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| Application Serial Number | 09/328,749 ✓ |
| Filing Date | June 9, 1999 |
| First Named Inventor | Gebhard |
| Group Art Unit | 3728 |
| Examiner Name | Anthony D. Stashick |
| Attorney Docket No. | ADI-005 |
| Confirmation No. | 7235 |
| Patent No. | Not applicable |
| Issue Date | Not applicable |

ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input checked="" type="checkbox"/> Amendment and Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below) |
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| CORRESPONDENCE ADDRESS | SIGNATURE BLOCK |
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| Direct all correspondence to: Patent Administrator Goodwin Procter LLP Exchange Place Boston, MA 02109 Tel. No.: (617) 570-1000 Fax No.: (617) 523-1231 Customer No. 051414 | Respectfully submitted, Date: December 21, 2005 Reg. No. 42,545 Tel. No.: (617) 570-1607 Fax No.: (617) 523-1231 John Y. Forcier Attorney for Applicant Goodwin Procter LLP Exchange Place Boston, MA 02109 |



PATENT
Attorney Docket No. ADI-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gebhard CONF NO.: 7235
SERIAL NO.: 09/328,749 GROUP NO.: 3728
FILING DATE: June 9, 1999 EXAMINER: Anthony D. Stashick
TITLE: Torsion System for an Article of Footwear

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of December, 2005.


Linda M. Penta

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 pg.);
2. Amendment and Response Under 37 C.F.R. 41.50(b)(1) (6 pgs.); and
3. Return receipt postcard.



PATENT
Attorney Docket No. ADI-005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPELLANT: Gebhard APPEAL NO.: 2005-2544
SERIAL NO.: 09/328,749 GROUP NO.: 3728
FILING DATE: 9-Jun-99 EXAMINER: Anthony D. Stashick
TITLE: *Torsion System for an Article of Footwear*

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment and Response Under 37 C.F. R. 41.50(b)(1)

This Amendment and Response is submitted pursuant to 37 C.F. R. 41.50(b)(1) in response to the Board's decision mailed from the U.S. Patent and Trademark Office on October 31, 2005, for which the period of response expires on December 31, 2005.

Appellant respectfully requests reopening of prosecution, reconsideration and withdrawal of all grounds of rejection, and passage of the claims to allowance.

- **Amendments to the claims** are reflected in the listing of claims that begins on page 2 of this paper.
- **Remarks** begin on page 5 of this Response.